

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

In re: THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO, as representative of THE COMMONWEALTH OF PUERTO RICO, <u>et al.</u> Debtors. ¹	PROMESA Title III Case No. 17 BK 3283-LTS (Jointly Administered)
In re: THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO as representative of PUERTO RICO ELECTRIC POWER AUTHORITY, Debtor.	PROMESA Title III Case No. 17 BK 4780-LTS Re: ECF Nos. 16820, 16833, 16950 and 16952 in Case No. 17 BK 3283-LTS and ECF Nos. 2498, 2499, 2517 and 2521 in Case No. 17 BK 4780-LTS This Urgent Motion Relates Only to PREPA and Shall Only Be Filed in Case No. 17 BK 4780-LTS

**URGENT SECOND JOINT MOTION TO EXTEND
DATES IN SCHEDULING ORDER**

¹ The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority ("PBA") (Bankruptcy Case No. 19-BK-5233-LTS) (Last Four Digits of Federal Tax ID: 3801). (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations.)

To the Honorable Laura Taylor Swain, United States District Judge:

Debtor Puerto Rico Electric Power Authority (PREPA) and Foreman Electric Services Inc. (the “Movant” together with PREPA, the “Parties”) hereby submit this urgent joint motion for an order extending all dates in the scheduling order that this Court entered on June 11, 2021 (ECF No. 16952)² (the “Scheduling Order”).³

1. On May 28, 2021, Movant filed the *Verified Motion of Foreman Electric Services Inc. for Allowance of Administrative Expense Claim* (the “Motion”) (ECF No. 16820).

2. On the same date, the Honorable Court entered a scheduling order granting an extension until June 11, 2021, at 5:00 p.m. AST to file responsive papers to the Motion and until June 18, 2021, at 5:00 p.m. AST to file Movant’s reply papers.

3. On June 11, 2021, the Parties filed an *Urgent Joint Motion to Extend Dates in Scheduling Order* (ECF No. 16950) (the “Joint Motion”). In the Joint Motion, the Parties informed the Honorable Court that PREPA needed additional time to further evaluate the claims made by Movant in the Motion and that the Parties had conferred to discuss PREPA’s need to amend the briefing schedule.

4. The Parties requested the Court to set June 25, 2021, as deadline for PREPA to file responsive papers to the Motion and July 9, 2021, as deadline for Movant to respond to responsive papers filed by PREPA. On June 11, 2021, the Court entered an Order granting the Parties’ request (ECF No. 16952).

² Reference to Case No. 17 BK 3283-LTS.

³ The Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”), as PREPA’s representative pursuant to section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”), has authorized PREPA to file this Urgent Motion.

5. PREPA has continued to work diligently to gather the information necessary to analyze the factual allegations and legal arguments presented by Movant in the Motion. However, PREPA needs additional time to conclude its analysis and be prepared to file responsive papers.

6. The Parties have meet and conferred to discuss PREPA's request for an additional term to file responsive papers and have agreed to request the Honorable Court to amend the briefing schedule and set the following deadlines:

- a. The deadline for PREPA to file responsive papers to the Motion shall be July 16, 2021, at 11:59 p.m. AST.
- b. The deadline for Movant to respond to responsive papers filed by PREPA shall be July 30, 2021, at 11:59 p.m. AST.

7. Good cause exists to grant this Urgent Motion. The Motion raises legal arguments and factual allegations that PREPA must analyze, corroborate, and respond to.

8. Because the Parties have agreed to the requested briefing schedule, no disadvantage or harm will be inflicted on any of them by the Court's approval of the requested extension.

**CERTIFICATION OF COMPLIANCE WITH LOCAL RULE 9013-1 AND THE
FOURTEENTH AMENDED CASE MANAGEMENT PROCEDURES**

9. Pursuant to Local Rule 9013-1 and ¶ I.H of the Fourteenth Amended Notice, Case Management and Administrative Procedures Order, Dkt. 15894-1, the Parties hereby certify that they have (a) carefully examined the matter and concluded that there is a true need for an urgent motion; (b) not created the urgency through any lack of due diligence; (c) made a bona fide effort to resolve the matter; (d) made reasonable, good-faith communications in an effort to resolve or narrow the issues that are being brought to the Court; and (e) been in contact with each other, and all Parties have consented to the relief requested herein.

10. In accordance with Paragraph II.F of the Case Management Procedures, the Parties have provided notice of this motion to all counsel of record. The Parties submit that, in light of the nature of the relief requested, no other or further notice need be given.

11. No prior request for the relief sought in this Urgent Motion has been made to this or any other court.

CONCLUSION

For the foregoing reasons, the Parties respectfully request the Court enter the Proposed Order attached as **Exhibit A**, granting the relief requested herein and all other relief as is just and proper.

Dated: June 25, 2021
San Juan, Puerto Rico

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EXHIBIT A

Proposed Order

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

In re: THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO, as representative of THE COMMONWEALTH OF PUERTO RICO, <u>et al.</u> Debtors. ¹	PROMESA Title III Case No. 17 BK 3283-LTS (Jointly Administered)
In re: THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO as representative of PUERTO RICO ELECTRIC POWER AUTHORITY, Debtor.	PROMESA Title III Case No. 17 BK 4780-LTS

**[PROPOSED] ORDER GRANTING URGENT SECOND JOINT MOTION
TO EXTEND DATES IN SCHEDULING ORDER**

¹ The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority ("PBA") (Bankruptcy Case No. 19-BK-5233-LTS) (Last Four Digits of Federal Tax ID: 3801). (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations.)

Upon consideration of the Urgent Second Joint Motion to Extend Dates in Scheduling Order (the “Urgent Motion”)²; and the Court and the Court having found it has subject matter jurisdiction over this matter pursuant to PROMESA section 306(a); and it appearing that venue in this district is proper pursuant to PROMESA section 307(a); and the Court having found that the Parties provided adequate and appropriate notice of the Urgent Motion under the circumstances and that no other or further notice is required; and the Court having reviewed the Urgent Motion; and the Court having determined that the factual bases set forth in the Urgent Motion establish just cause for the relief granted herein; and after due deliberation and sufficient cause appearing therefor, it is HEREBY ORDERED THAT:

1. The Urgent Motion is **GRANTED** as set forth herein.
2. The deadline for PREPA to file responsive papers to the Motion shall be **July 16, 2021, at 11:59 p.m. AST.**
3. The deadline for Movant to respond to responsive papers filed by PREPA shall be **July 30, 2021 at 11:59 p.m. AST.**

Dated: June __, 2021

LAURA TAYLOR SWAIN
UNITED STATES DISTRICT JUDGE

² Capitalized terms used but not otherwise defined herein have the meanings given to them in the Urgent Motion.